

09/830,967

Rec'd PCT/PTO 06 NOV 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Carcagno *et al.*

Appl. No. 09/830,967

Filed: May 3, 2001

For: **Host Cells Expressing Recombinant  
Human Erythropoietin**

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 1909.0020002/JAG/CMB

#6  
JG  
3/8/02

**Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to non-English language documents AT3, AR4, AS4 and AT4 cited on Form PTO 1449:

Documents AT3, AR4, AS4 and AT4 are in the French language. No English translations are readily available. These documents appear to show evidence of a substance isolated from blood capable of regulating hematopoiesis.

Document AT11 is in a foreign language. An English language abstract is on the first page of this document.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Patent Application No. 09/830,964, filed May 3, 2001, submitted herewith as Document AS17; and

U.S. Patent Application No. 09/830,968, filed May 3, 2001, submitted herewith as Document AT17.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Cynthia M. Bouchez  
Agent for Applicants  
Registration No. 47,438

Date: November 6, 2001

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

P:\USERS\Cbouchez\1909\0020002\IDS pleading  
SKGF Rev. 2/27/01 mac